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May 8, 1998

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, NW
Room 222
Washington, DC 20554

MAY 11 1998

RE: CC Docket No. 97-213

Dear Ms. Roman Salas:

Included are an original and eleven copies of the comments filed by Aliant Communications on Friday, May 8, 1998, in the above-referenced docket. A copy of the comments were sent to each person on the service list attached to the comments.

If you have any questions, please call me at (402) 436-5647.

Sincerely,



Sara Bishop
Government Relations Analyst

Enclosures (12)

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Before the
Federal Communications Commission
Washington D.C. 20554

In the Matter of)

Communications Assistance)
For Law Enforcement Act)
Compliance Deadline)

CC Docket No. 97-213

Comments of
Aliant Communications, Inc.

Aliant Communications ("Aliant") respectfully submits comments in the above referenced docket concerning the compliance date for implementation of the Communications Assistance for Law Enforcement Act ("CALEA"). Aliant is both a local exchange carrier in southeast Nebraska and a statewide cellular provider in Nebraska. As both a wireless and landline telecommunications service provider, Aliant is particularly concerned with the approaching CALEA compliance deadline. Because of circumstances beyond the control of Aliant, or any other carrier, it is impossible to meet the October, 1998 compliance deadline. Enforcing the existing deadline would be unfair, unreasonable, and cost ineffective.

Before addressing the compliance issues, it is worth examining Aliant's history of cooperation with law enforcement in wiretapping. Annually, Aliant only receives a few dozen requests to wiretap each year and has willingly cooperated in each instance. The existing relationship between the company and law enforcement has served both parties well for many years. Until CALEA is implemented, Aliant will continue to cooperate and provide the capability to execute wiretapping requests in a reasonably achievable and cost efficient manner.

With that understanding, implementation of CALEA should be approached fairly for everyone involved. It is common knowledge that development and manufacturing of CALEA-compliant hardware and software for carriers to purchase and deploy will take approximately two years.¹ Until the proper technology is available, carriers like Aliant do not have the opportunity to comply with CALEA standards. Aliant has no control over the development of this technology and, thus, no control over the timeframe or speed of deployment. Since carriers do not have control over the availability of CALEA-compliant technology and it will not be available for at least two years, it is unreasonable to expect compliance by the October 1998 deadline. It is also unfair to fine carriers for noncompliance, when carriers have no control over the technology development and production process.

Although carriers will implement the CALEA-compliant technology within a reasonable timeframe after it is available, there are other variables to consider as carriers plan network upgrades. There are many new requirements placed on carriers as a result of the federal Telecommunications Act of 1996 ("the Act"). Small companies are exempt from most of the requirements. However, mid-size companies like Aliant, with fewer than 2% of the nation's access lines, are in a difficult position. Most of the requirements on the Regional Bell Operating Companies ("RBOCs") and GTE are also placed on mid-size companies. However, these companies have fewer financial and personnel resources to help them comply. Currently, Aliant is planning both wireless and landline switch upgrades to deploy local number portability ("LNP") and to offer unbundled local network elements and interconnection capabilities to competitors. Relative to the burden on large companies, deployment of network upgrades is a much greater drain on Aliant's resources. CALEA compliance would represent yet another

¹ See AT&T Wireless Services, Inc.; Lucent Technologies, Inc.; and Ericsson, Inc. Petition for Extension of Compliance Date, filed March 30, 1998, at 5-6.

burdensome upgrade, and would be concurrent with compliance with Aliant's first interconnection agreement and its implementation of wireless and landline LNP.

In order to make network upgrades, including LNP, unbundling network elements, and CALEA deployment, more efficient and cost effective, Aliant has already begun implementing a five year plan to reduce the total number of host switches. The number of switches after the plan is completed will be less than one fifth of the original number. Fewer switches will allow Aliant to upgrade its network in a more cost effective and efficient manner. If Aliant is forced to deploy CALEA-compliant technology early into this plan, the cost reimbursement required will be much greater. The more time allowed for Aliant to reduce switches, the less expensive it will be to upgrade the ones remaining. If the deadline is extended to October 2000, Aliant would need to upgrade fewer than one third of its current switches, which would allow for significant cost efficiencies.

In light of the many network requirements mid-size companies are currently struggling to implement, and especially considering that CALEA-compliant technology will not be available by October 1998, the deadline for CALEA compliance needs to be extended. It would be unfair and unreasonable to expect carriers to comply with undetermined standards, using unavailable technology, while focusing efforts on several other network changes. These issues are outside the carriers' control and, therefore, carriers need an extension of the compliance deadline.

Respectfully submitted,

Aliant Communications, Inc.

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